

REMARKS

Claims 1-49, 55, 57-61, 64-68, 73 and 76-83 are pending. By this Preliminary Amendment, claims 40, 44-46, 81 and 82 are amended to provide additional protection for embodiments disclosed in the present specification.

The Preliminary Amendment is being filed with a Request for Continued Examination (RCE). In the RCE transmittal letter, it is requested that the January 12, 2001 Amendment After Final Rejection, which was denied entry in the Advisory Action of January 26, 2001, be entered. This Preliminary Amendment builds on the January 12 Amendment, which is incorporated by reference.

At the outset, Applicants appreciate that the proposed drawing corrections filed on January 12, 2001 have been approved by Examiner Boehler per the January 26 Advisory Action. Further, the Advisory Action indicates that rejection of claims 59-61 in view of Husted and Boyer has been overcome. Following entry of the January 12 Amendment, there are no other outstanding rejections regarding these claims. Accordingly, Applicants respectfully submit that at least claims 59-61 are allowable.

Finally, with respect to the rejection of claims 40, 41, 44-49, 63, 69-76 and 81-83 under 35 U.S.C. §102(b) over Yasui, Applicants have the following remarks in view of the broadening amendments to various ones of these claims in this Preliminary Amendment. These remarks are being provided because claim 40 no longer recites that the elbows are substantially over the knees and feet of the rider, only the feet. In addition, claim 40 no longer recites that the thighs are substantially parallel to the ground.

Nonetheless, claim 40, even without these additional features, is distinguishable from Yasui. First, as mentioned in the January 12 Amendment, the portrayed rider in Yasui is in a cramped position because the snowmobile is "small". As such steering device is disposed such that the rider's torso is substantially erect, rather than being tilted toward the steering

device, as recited. Also, Yasui's steering device is disposed such that the rider's elbows are substantially over the seating position, rather than substantially over the rider's feet. Yasui's snowmobile is miniature in size and its seat, steering position and footrests are not designed, dimensioned or configured with respect to one another such that the rider assumes the position specified in claim 40.

Further, even assuming the that the rider could slide back in the Yasui seat to arrive at the subject matter of claim 40, the Yasui rider would not longer be positioned in the standard riding position, as claimed. Yasui's standard "riding position" is that position shown in Fig. 1 of Yasui. For example, if Yasui's rider were to slide rearwardly on the seat, the rider would no longer be able to move his/her leg between the starter and the footrest, as shown in Fig. 1 of Yasui. Stated differently, sliding the Yasui rider rearwardly on the Yasui seat might arguably meet some features of the claims, but other features of the claims would no longer be satisfied.

Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP, LLP

By:



Paul T. Bowen

Reg. No.: 38,009

Tel. No.: (202) 861-3014

Fax No.: (202) 822-0944

PTB

1100 New York Avenue, N.W.
Ninth Floor
Washington, D.C. 20005-3918
(202) 861-3005

APPENDIX SHOWING CLAIM AMENDMENTS

40. (Thrice Amended) A snowmobile, comprising:

a frame;

a straddle seat disposed on the frame, the seat being dimensioned to support a standard rider in a standard position in which the standard rider straddles the seat while the snowmobile is heading straight ahead on flat terrain;

an engine disposed on the frame in front of the seat;

a steering device disposed on the frame and spaced forward of the seat such that, when the rider grasps the steering device in the standard position, the rider's torso is tilted toward the steering device and the rider's arms extend toward the steering device with the rider's elbows substantially over the rider's [knees and] feet;

two skis attached to the frame and operatively connected to the steering device for steering the snowmobile; and

a footrest disposed below each side of the seat, each said footrest being dimensioned with respect to the seat and the steering device to support the rider's foot thereon [so that the rider's thighs are substantially parallel to the ground],

wherein, for the standard rider in the standard position, the seat defines a seat position, the steering device defines a steering position, and the footrests define a footrest position,

wherein a line passing through the seat position and the steering position forms angle α with a line passing through the seat position and the footrest position;

wherein a line passing through the footrest position and the steering position forms angle β with the line passing through the footrest position and the seat position,

wherein the line passing through the footrest position and the steering position forms angle γ with the line passing through the steering position and the seat position, and

wherein angle α is between 63 and 152°, angle β is between 16 and 84°, and angle γ is between 11 and 42°.

44. (Thrice Amended) A snowmobile, comprising:

a frame;

a straddle seat disposed on the frame, the seat being dimensioned to support a standard rider in a standard position in which the standard rider straddles the seat while the snowmobile is heading straight ahead on flat terrain;

an engine disposed on the frame in front of the seat;

a steering device disposed on the frame and spaced forward of the seat such that, when the rider grasps the steering device in the standard position, the rider's torso is tilted toward the steering device and the rider's arms extend toward the steering device with the rider's elbows substantially over the rider's [knees and] feet;

two skis attached to the frame and operatively connected to the steering device for steering the snowmobile; and

a footrest disposed below each side of the seat, each said footrest being dimensioned and configured with respect to the seat and the steering device to support the rider's foot thereon [so that the rider's thighs are substantially parallel to ground];

wherein, for the standard rider in the standard position, the seat defines a seat position, the steering device defines a steering position, and the footrests define a footrest position,

wherein a line passing through the seat position and the steering position forms angle α with a line passing through the seat position and the footrest position;

wherein a line passing through the footrest position and the steering position forms angle β with the line passing through the footrest position and the seat position,

wherein the line passing through the footrest position and the steering position forms angle γ with the line passing through the steering position and the seat position,

wherein angle α , angle β , and angle γ satisfy the relationship $\alpha \geq \beta \geq \gamma$; and

wherein a distance between vertical lines passing through the steering position and the seat position is between 40-90 cm.

45. (Twice Amended) A snowmobile, comprising:

a frame;

a straddle seat disposed on the frame, the seat being dimensioned to support a standard rider in a standard position in which the standard rider straddles the seat while the snowmobile is heading straight ahead on flat terrain;

an engine disposed on the frame in front of the seat;

a steering device disposed on the frame and spaced forward of the seat such that, when the rider grasps the steering device in the standard position, the rider's torso is tilted toward the steering device and the rider's arms extend toward the steering device with the rider's elbows substantially over the rider's [knees and] feet;

two skis attached to the frame and operatively connected to the steering device for steering the snowmobile; and

a footrest disposed below each side of the seat, each said footrest being dimensioned and configured with respect to the seat and the steering device to support the rider's foot thereon [so that the rider's thighs are substantially parallel to ground];

wherein, for the standard rider in the standard position, the seat defines a seat position, the steering device defines a steering position, and the footrests define a footrest position,

wherein a line passing through the seat position and the steering position forms angle α with a line passing through the seat position and the footrest position;

[wherein a line passing through the footrest position and the steering position forms angle β with the line passing through the footrest position and the seat position,]

wherein [the] a line passing through the footrest position and the steering position forms angle γ with the line passing through the steering position and the seat position, and

wherein [angle α , angle β , and satisfy the relationship] $\alpha \approx 2.5\gamma$.

46. (Thrice Amended) A snowmobile, comprising:

a frame;

a straddle seat disposed on the frame, the seat being dimensioned to support a standard rider in a standard position in which the standard rider straddles the seat and the rider's thighs are substantially parallel to ground while the snowmobile is heading straight ahead on flat terrain;

an engine disposed on the frame in front of the seat;

a steering device disposed on the frame and spaced forward of the seat such that, when the rider grasps the steering device in the standard position, the standard rider's torso is tilted toward the steering device and the rider's arms extend toward the steering device with the rider's elbows substantially over the rider's [knees and] feet; and

two skis attached to the frame and operatively connected to the steering device for steering the snowmobile;

wherein the seat defines a seat position and the steering device defines a steering position for the standard rider in the standard position, and

wherein a line passing through the steering position and the seat position forms an angle ϕ with horizontal that is between 15 and 51°.

81. (Thrice Amended) A snowmobile, comprising:

a frame;

a straddle seat disposed on the frame, the seat being dimensioned to support a standard rider in a standard position in which the standard rider straddles the seat while the snowmobile is heading straight ahead on flat terrain;

an engine disposed on the frame in front of the seat;

two skis attached to the frame;

a steering device operatively connected to the two skis, the steering device being spaced forward of the seat such that, when the rider grasps the steering device in the standard position, the standard rider's torso is tilted toward the steering device and the rider's arms extend toward the steering device with the rider's elbows substantially over the rider's [knees and] feet; and

a sideboard extending laterally from the frame below each side of the seat, each said sideboard having a forward portion dimensional and configured with respect to the seat and the steering device to support a rider's foot thereon [so that the rider's thighs are substantially parallel to ground],

wherein, for the standard rider in the standard position, the seat defines a seat position, the steering device defines a steering position, and the forward portion of each said sideboard defines a footrest position,

wherein a line passing through the seat position and the steering position forms angle α with a line passing through the seat position and the footrest position;

wherein a line passing through the footrest position and the steering position forms angle β with the line passing through the footrest position and the seat position,

wherein the line passing through the footrest position and the steering position forms angle γ with the line passing through the steering position and the seat position, and

wherein angle α , angle β , and angle γ satisfy the relationship $\alpha \geq \beta \geq \gamma$.

82. (Thrice Amended) A snowmobile, comprising:

a frame;

a straddle seat disposed on the frame, the seat being dimensioned to support a standard rider in a standard position in which the standard rider straddles the seat while the snowmobile is heading straight ahead on flat terrain;

an engine disposed on the frame in front of the seat;

two skis attached to the frame;

a steering device operatively connected to the two skis, the steering device being spaced forward of the seat such that, when the rider grasps the steering device in the standard position, the standard rider's torso is slightly tilted toward the steering device and the rider's arms extend toward the steering device with the rider's elbows substantially over the rider's [knees and] feet; and

a sideboard extending laterally from each side of the frame below the seat, each said sideboard having a forward portion dimensioned and configured with respect to the seat and the steering device to support a rider's foot thereon [so that the rider's thighs are substantially parallel to ground],

wherein, for the standard rider in the standard position, the seat defines a seat position, the steering device defines a steering position, and the forward portions of the sideboards define a footrest position,

wherein a line passing through the seat position and the steering position forms angle α with a line passing through the seat position and the footrest position;

[wherein a line passing through the footrest position and the steering position forms angle β with the line passing through the footrest position and the seat position,]

wherein [the] a line passing through the footrest position and the steering position forms angle γ with the line passing through the steering position and the seat position, and

wherein [angle α , angle β , and satisfy the relationship] $\alpha \approx 2.5\gamma$.